United Nations HRI/CORE/NER/2017

International Human Rights Instruments

Distr.: General
22 May 2017
English
Original: French

# Common core document forming part of the reports of States parties

## Niger*

[Date received: 18 April 2017]

* The present document is being issued without formal editing.

GE.17-08188 (E) 100717 130717

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# I. General information about the Niger

## A. Geographical characteristics

1. Located in the eastern part of western Africa, the Niger is a landlocked country with a surface area of 1,267,000 km$^2$. Two thirds of the national territory is in the Saharan zone.

2. The Niger borders Algeria and Libya in the north, Nigeria and Benin in the south, Chad in the east and Mali and Burkina Faso in the west.

3. The hydrographical network consists of the River Niger, the Komadugu Yobe River, the Goulbi de Maradi River, Lake Chad, Lake Madarounfa and Lake Guidimouni and numerous permanent and semi-permanent ponds. The silting up and decrease in the flow rates of the River Niger are among the most serious challenges that the country currently faces, however.

4. As an underdeveloped country, the Niger must also overcome the challenges of desertification and the deterioration of natural resources caused by human activities and climate change. Industrial waste is discharged into watercourses, the soil and the air, resulting in environmental pollution. This occurs most commonly around the cities of Arlit, Akokane, Agadez and Niamey.

5. As regards sanitation, according to the demographic and health survey and multiple indicator cluster survey in 2012, 9 per cent of households had adequate facilities, including 34 per cent in urban areas and 4 per cent in rural areas. Sewage and rainwater disposal and household waste management are key areas of concern for the country.

## B. Demographic, social and cultural characteristics of the State

6. The population of the Niger is estimated at 17,129,076 inhabitants, according to the 2012 General Population and Housing Census. Children under 18 years of age represent 56 per cent of the population (UNICEF, 2012). Some 80 per cent of the population is rural, and the life expectancy at birth is 58.4 years. At 3.9 per cent, the Niger has one of the highest population growth rates in the world, which comes against a background of limited human development. At that rate, the population is expected to double in size within 18 years.

7. The Niger has a diverse population made up of nine ethnic groups who live together harmoniously: Hausa, Djerma, Tuareg, Fulani, Arabs, Kanuri, Toubou, Gurma and Buduma. These groups are distributed unevenly throughout the eight regions of the country. The largest region in terms of surface area, Agadez, covers 53 per cent of the national territory yet is home to only 2.8 per cent of the population, whereas 37 per cent of the population lives in Niamey, the smallest region.

Table 1
**Main preliminary results of the fourth General Population and Housing Census, conducted in 2012, by region and by department**

| | *Reference period* | | | | | *Annual average intercensal growth rate %* | |
|---|---|---|---|---|---|---|---|
| | *1988* | *2001* | *2012* | | | | |
| *Region department* | *Total* | *Total* | *Total* | *Male* | *Female* | *1988-2001* | *2001-2012* |
| Agadez region | 208 828 | 321 639 | 481 982 | 244 699 | 237 283 | 3.4 | 3.6 |
| Arlit | 68 979 | 98 170 | 103 369 | 53 246 | 50 123 | 2.8 | 2.9 |
| Bilma | 8 928 | 17 080 | 17 459 | 8 458 | 9 001 | 5.1 | 0.2 |
| Tchirozerine | 130 921 | 206 389 | 241 007 | 121 785 | 119 222 | 3.6 | 4.1 |
| Aderbissinat | | | 35 465 | 18 358 | 17 107 | | 4.1 |
| Iférouane | | | 32 864 | 16 018 | 16 846 | | 2.9 |

| Region department | Reference period | | | | | Annual average intercensal growth rate % | |
|---|---|---|---|---|---|---|---|
| | 1988 | 2001 | 2012 | | | | |
| | Total | Total | Total | Male | Female | 1988-2001 | 2001-2012 |
| Ingall | | | 51 818 | 26 834 | 24 984 | | 4.1 |
| Diffa region | 189 091 | 346 595 | 591 788 | 300 934 | 290 854 | 4.8 | 4.7 |
| Diffa | 76 852 | 148 151 | 155 211 | 77 936 | 77 275 | 5.2 | 4.0 |
| Maïné-Soroa | 83 414 | 143 397 | 133 000 | 67 760 | 65 240 | 4.3 | 4.3 |
| Nguigmi | 28 825 | 55 047 | 73 073 | 37 051 | 36 022 | 5.1 | 7.4 |
| Bosso | | | 78 038 | 40 361 | 37 677 | | 4.0 |
| Goudoumaria | | | 100 409 | 51 100 | 49 309 | | 4.3 |
| Ngourti | | | 52 057 | 26 726 | 25 331 | | 7.4 |
| Dosso region | 1 018 895 | 1 505 864 | 2 040 699 | 999 641 | 1 041 058 | 3.1 | 2.7 |
| Boboye | 205 923 | 270 188 | 253 070 | 121 711 | 131 359 | 2.1 | 2.4 |
| Dogondoutchi | 314 607 | 494 354 | 371 078 | 182 487 | 188 591 | 3.5 | 2.3 |
| Dosso | 246 472 | 353 950 | 495 328 | 242 175 | 253 153 | 2.8 | 2.9 |
| Gaya | 164 305 | 253 444 | 261 693 | 128 909 | 132 784 | 3.4 | 3.4 |
| Loga | 87 588 | 133 928 | 176 673 | 85 800 | 90 873 | 3.3 | 2.4 |
| Dioundou | | | 109 654 | 54 683 | 54 971 | | 3.4 |
| Falmey | | | 103 850 | 50 947 | 52 903 | | 2.4 |
| Tibiri (Doutchi) | | | 269 353 | 132 929 | 136 424 | | 2.3 |
| Maradi region | 1 389 433 | 2 235 570 | 3 404 645 | 1 662 880 | 1 741 765 | 3.7 | 3.7 |
| Aguié | 172 960 | 276 938 | 246 160 | 119 224 | 126 936 | 3.7 | 3.4 |
| Dakoro | 258 098 | 434 925 | 631 429 | 310 623 | 320 806 | 4.1 | 4.0 |
| Guidan Roumji | 210 610 | 348 321 | 524 406 | 254 798 | 269 608 | 3.9 | 3.6 |
| Madarounfa | 306 216 | 439 431 | 449 906 | 218 117 | 231 789 | 2.8 | 4.3 |
| Mayahi | 227 812 | 392 254 | 559 009 | 268 762 | 290 247 | 4.3 | 3.1 |
| Tessaoua | 213 737 | 343 701 | 516 227 | 252 035 | 264 192 | 3.7 | 3.6 |
| Bermo | | | 52 121 | 26 725 | 25 396 | | 4.0 |
| Gazaoua | | | 160 490 | 78 463 | 82 027 | | 3.4 |
| Maradi | | | 264 897 | 134 133 | 130 764 | | 4.3 |
| Tahoua region | 1 308 598 | 1 972 907 | 3 327 260 | 1 647 447 | 1 679 813 | 3.2 | 4.6 |
| Abalak | | 80 955 | 255 914 | 131 610 | 124 304 | 0.4 | 10.5 |
| Birni n'Konni | 253 879 | 363 176 | 313 782 | 156 707 | 157 075 | 2.8 | 3.6 |
| Bouza | 180 805 | 277 782 | 445 659 | 219 754 | 225 905 | 3.4 | 4.2 |
| Illéla | 175 080 | 263 832 | 334 755 | 165 844 | 168 911 | 3.2 | 3.8 |
| Keita | 159 675 | 218 337 | 337 635 | 164 533 | 173 102 | 2.4 | 3.8 |
| Madaoua | 214 025 | 319 374 | 544 215 | 271 949 | 272 266 | 3.1 | 4.7 |
| Tahoua | 240 184 | 359 994 | 434 295 | 208 090 | 226 205 | 3.2 | 4.2 |
| Tchin-Tabaradene | 84 950 | 89 457 | 143 598 | 71 684 | 71 914 | 0.4 | 7.5 |
| Bagaroua | | | 73 692 | 35 709 | 37 983 | | 3.8 |
| Malbaza | | | 232 992 | 116 980 | 116 012 | | 3.6 |
| Tassara | | | 24 365 | 12 454 | 11 911 | | 7.5 |
| Tillia | | | 39 067 | 19 838 | 19 229 | | 7.5 |
| Tahoua | | | 147 291 | 72 295 | 74 996 | | 4.2 |
| Tillabéri region | 1 328 283 | 1 872 436 | 2 715 186 | 1 334 339 | 1 380 847 | 2.7 | 3.2 |

| Region department | Reference period | | | | | Annual average intercensal growth rate % | |
|---|---|---|---|---|---|---|---|
| | 1988 | 2001 | 2012 | | | | |
| | Total | Total | Total | Male | Female | 1988-2001 | 2001-2012 |
| Filingué | 285 977 | 406 334 | 306 244 | 150 944 | 155 300 | 2.7 | 2.7 |
| Kollo | 234 588 | 308 627 | 465 303 | 230 352 | 234 951 | 2.1 | 3.1 |
| Oualam | 190 171 | 281 821 | 323 939 | 156 787 | 167 152 | 3.1 | 2.8 |
| Say | 163 376 | 232 460 | 174 211 | 87 323 | 86 888 | 2.7 | 3.9 |
| Téra | 295 969 | 425 824 | 337 433 | 164 932 | 172 501 | 2.8 | 3.9 |
| Tillaberi | 158 202 | 217 370 | 226 765 | 109 485 | 117 280 | 2.5 | 2.2 |
| Abala | | | 139 812 | 68 134 | 71 678 | | 2.7 |
| Ayorou | | | 54 201 | 26 525 | 27 676 | | 2.2 |
| Baleyara | | | 108 366 | 51 769 | 56 597 | | 2.7 |
| Bani-Bangou | | | 63 844 | 31 700 | 32 144 | | 2.8 |
| Bankilare | | | 84 543 | 42 546 | 41 997 | | 3.9 |
| Gotheye | | | 241 401 | 118 239 | 123 162 | | 3.9 |
| Torodi | | | 189 124 | 95 603 | 93 521 | | 3.9 |
| Zinder region | 1 411 061 | 2 080 250 | 3 556 239 | 1 770 045 | 1 786 194 | 3.0 | 4.7 |
| Gouré | 162 275 | 227 400 | 332 278 | 167 346 | 164 932 | 2.6 | 4.3 |
| Magaria | 355 153 | 496 874 | 579 181 | 286 663 | 292 518 | 2.6 | 5.6 |
| Matameye | 164 107 | 246 496 | 401 012 | 196 650 | 204 362 | 3.2 | 4.3 |
| Mirria | 536 695 | 770 638 | 506 165 | 252 593 | 253 572 | 2.8 | 4.7 |
| Tanout | 192 831 | 338 842 | 439 741 | 218 046 | 221 695 | 4.4 | 4.1 |
| Belbedji | | | 97 484 | 49 008 | 48 476 | | 4.1 |
| Damagaram Takaya | | | 240 961 | 119 790 | 121 171 | | 4.7 |
| Dungas | | | 350 444 | 175 289 | 175 155 | | 5.6 |
| Takeita | | | 249 036 | 122 951 | 126 085 | | 4.7 |
| Tasker | | | 38 128 | 19 676 | 18 452 | | 4.3 |
| Zinder | | | 321 809 | 162 033 | 159 776 | | 4.7 |
| Niamey | 397 437 | 725 030 | 1 011 277 | 501 459 | 509 818 | 4.7 | 2.9 |
| **Total** | **7 251 626** | **11 060 291** | **17 129 076** | **8 461 444** | **8 667 632** | **3.3** | **3.9** |

*Source*: National Institute of Statistics, 2012.

8. A large proportion of the population is poor. According to the 2011 national survey on household living conditions and agriculture, 48.2 per cent of the population lives below the poverty line. The 2007-2008 survey on household budgets and consumption conducted by the National Institute of Statistics placed this figure at 59.5 per cent.

Table 2
**Population distribution according to poverty status by percentage and by region between 2005 and 2011**

| Region | 2005 Core welfare indicators questionnaire | | 2007-2008 National household budget and consumption survey | | National survey on household living conditions and agriculture 2011 | |
|---|---|---|---|---|---|---|
| | Poor | Not poor | Poor | Not poor | Poor | Not poor |
| Agadez | 45.9 | 54.1 | 16.1 | 83.9 | 20.7 | 79.3 |
| Diffa | 18.8 | 81.2 | 18.3 | 81.7 | 34 | 66 |

| | | | | | | |
|---|---|---|---|---|---|---|
| Dosso | 67.3 | 32.7 | 66.9 | 33.1 | 52.9 | 47.1 |
| Maradi | 79.7 | 20.3 | 73.4 | 26.6 | 57.8 | 42.2 |
| Tahoua | 45.9 | 54.1 | 57.6 | 42.4 | 47.9 | 52.1 |
| Tillabéri | 68.9 | 31.1 | 71.7 | 28.3 | 56 | 44 |
| Zinder | 71 | 29 | 53.8 | 46.2 | 47.7 | 52.3 |
| Niamey | 27.1 | 72.9 | 27.8 | 72.2 | 10.2 | 89.8 |
| **Total** | **62.1** | **37.9** | **59.5** | **40.5** | **48.2** | **51.8** |

*Source*: The Niger in Figures, 2014.

## C. Economic characteristics

9. The Niger is rich in natural resources, including uranium, coal, iron, gold, phosphate and oil. Since November 2012, the Niger has produced and exported oil at a rate of around 20,000 barrels a day. With the exploitation of a fourth uranium extraction site in Imouraren, the Niger is expected to become the second biggest uranium producer worldwide.

10. These resources, together with the income generated from oil, are expected to raise the standard of living of the population. Today, the Niger is ranked among the world's poorest countries according to the Human Development Index, with a nominal gross domestic product (GDP) per capita of $937.70 in 2014. In 2014, the Niger ranked 187th out of 187 countries on the index.

Table 3
**Economic data**

| *Macroeconomic indicators* | *2011* | *2012* | *2013* |
|---|---|---|---|
| **Changes in GDP** | | | |
| Nominal GDP (billions of CFA francs) | 3 024.3 | 3 414.3 | 3 659.6 |
| Nominal GDP per capita (thousands of CFA francs) | 183.7 | 199.3 | 205.6 |
| Real GDP growth (%) | 2.3 | 11.1 | 4.1 |
| Real GDP growth per capita (%) | -5.5 | 6.7 | 0.2 |
| **GDP growth by sector (%)** | | | |
| *Primary sector* | -3.0 | 13.2 | 0.0 |
| Agriculture | -6.7 | 19.5 | -2.0 |
| Livestock farming | 4.5 | 2.8 | 4.2 |
| Forestry | 2.5 | 1.7 | 1.7 |
| Fishing and fish farming | 3.5 | 3.0 | 3.9 |
| *Secondary sector* | 5.3 | 42.3 | 7.3 |
| Mining | 16.4 | 106.5 | 7.2 |
| Manufacturing | 4.1 | 30.6 | 9.9 |
| Electricity, gas and water production and distribution | -12.1 | 5.7 | -5.7 |
| Construction | 4.3 | 7.5 | 6.0 |
| *Tertiary sector* | 5.6 | 5.5 | 6.7 |
| Trade | 4.7 | 5.0 | 5.2 |
| Transport and storage | 7.0 | 3.9 | 5.8 |
| Restaurants and hotels | 4.0 | 8.9 | 4.0 |
| Communications | 6.5 | 3.2 | 5.5 |
| Finance and insurance | 15.4 | 5.9 | 5.2 |
| Real estate and business activities | 1.5 | 4.4 | 3.9 |
| Public administration | 5.9 | 5.4 | 12.8 |

| *Macroeconomic indicators* | *2011* | *2012* | *2013* |
|---|---|---|---|
| Other services | 6.8 | 3.9 | 3.8 |
| Education | 10.2 | 1.5 | 2.7 |
| Human health and social work | 10.2 | 3.4 | 2.4 |
| All other services | 6.7 | 4.4 | 8.0 |
| **Taxes on products** | **13.2** | **-16.7** | **10.8** |
| **Other ratios and indicators of the national economy** | | | |
| Gross national income (billions of CFA francs) | 3 000.3 | 3 372.5 | 3 606.1 |
| Gross domestic savings rate (%) | 11.5 | 16.7 | 16.4 |
| Investment rate (%) | 38.4 | 34.9 | 34.4 |
| Private consumption as percentage of GDP | 74.1 | 70.7 | 70.1 |
| GDP attributable to informal economy (%) | 63.3 | 62.5 | 60.7 |
| GDP attributable to agriculture (broadly defined) (%) | 38.2 | 38.9 | 37.2 |
| Average annual inflation (%) | 2.9 | 0.5 | 2.3 |
| Change in GDP deflator (%) | 1.4 | 0.7 | 1.1 |
| Negotiated price per kg of uranium (CFA francs) | 70 000 | 73 000 | 73 000 |
| Budget revenue as % of GDP | 17.0 | 15.9 | 16.5 |
| Tax receipts as % of GDP | 16.1 | 14.5 | 15.2 |
| Total expenditure as % of GDP | 22.6 | 23.3 | 28.4 |
| Current expenditure as % of GDP | 15.3 | 11.4 | 13.3 |
| External debt outstanding as % of GDP | 16.4 | 17.7 | 21.7 |
| Free on board (FOB) trade balance as % of GDP | -15.4 | -7.7 | -5.4 |
| Foreign trade coverage ratio (%) | 43.7 | 57.1 | 56.4 |
| Credit flow to economy (billions of CFA francs) | 402.6 | 500.0 | 519.8 |
| Liquidity rate of economy (%) | 20.2 | 23.5 | 24.1 |
| Velocity of money | 5.0 | 4.3 | 4.1 |

*Source*: National Economic Accounts, National Institute of Statistics, 2014.

## D. Constitutional, political and legal structure of the State

11. The Niger gained independence on 3 August 1960. The democratic process was begun in 1991, when a national conference was held, following which the Niger chose to adopt a full multiparty system. Numerous political parties and civic movements were thus established, preparing the way for democratic, open debates that made it possible for a national consensus on the formation of a transitional Government to be reached in 1991. Led by Mr. Amadou Cheiffou, the transitional Government organized elections, following which, in April 1993, the institutions of the Third Republic were established, with the Alliance des forces du changement (Alliance of Forces for Change) (AFC) coming to power and Mr. Mahamane Ousmane being elected President of the Niger.

12. However, the shift in power that followed the collapse of the Alliance paralysed the Government and led the army, under the command of the National Salvation Council chaired by Colonel Ibrahim Baré Maïnassara, to seize power in January 1996.

13. In July 1996, Colonel Baré Maïnassara held elections for the presidency, which brought him to power and ushered in the Fourth Republic. However, he came up against resistance from the democratic forces united under the Front pour la restoration et la défense de la démocratie (Front for the Restoration and Defence of Democracy (FRDD)).

14. It was in the context of high social and political tensions that, on 9 April 1999, Commander Daouda Malam Wanké led a coup d'état under the banner of the National Reconciliation Council, which established a transitional regime with the aim of restoring

democracy. The Constitution of the Fifth Republic was adopted in July 1999, under which a semi-presidential system was established.

15. During the legislative and presidential elections held in October and November 1999, Mr. Mamadou Tandja of the Mouvement national pour une société de développement (National Movement for a Developing Society) (MNSD) — supported by a coalition of political parties that form the Alliance des forces démocratiques et républicaines (Alliance of Democratic and Republican Forces) (AFDR) — was elected.

16. In 2004, President Tandja was re-elected for a second term of five years. Fresh elections to the National Assembly also brought a majority of members who supported the President.

17. On 31 May 2007, the Prime Minister, Mr. Hama Amadou, was removed from office following a vote of no confidence and was replaced by Mr. Seyni Oumarou.

18. On 4 August 2009, President Tandja held a referendum to amend the Constitution, despite the opinion and subsequent ruling issued by the Constitutional Court that such action was unlawful. Nonetheless, as a result of the referendum, the Constitution was amended to allow the President to remain in office for a further three years. The contentious nature of the referendum prepared the ground for a military coup d'état on 18 February 2010, mounted by the Supreme Council for the Restoration of Democracy, led by Major Salou Djibo. He appointed a civilian, Mr. Mahamadou Danda, as Prime Minister, who was responsible for coordinating the work of the transitional Government.

19. Between 18 February 2010 and 6 April 2011, executive power was exercised by the institutions that emerged from the military coup d'état, namely the Supreme Council and the transitional Government, in accordance with Order No. 2010-001 of 22 February 2010 on the structure of government during the transition.

20. The ruling military junta undertook to uphold the principles of democracy and the rule of law. Concrete expression was given to this undertaking through the establishment of the transitional Government, the National Observatory for Human Rights and Fundamental Freedoms, the National Media Observatory, the Constitutional Council, the Court of Auditors, the Court of State and the National Advisory Council, which was the ad hoc transitional legislative body.

21. The political transition was especially marked by the establishment of the Independent National Electoral Commission, which organized six elections between 31 October 2010 and 12 March 2011: the constitutional referendum of 31 October 2010; municipal and regional elections on 11 January 2011; legislative elections and the first round of the presidential elections on 31 January 2011; and the presidential election run-off on 12 March 2011.

22. Mr. Mahamadou Issoufou was elected president of the Niger following elections that were recognized as free and transparent by national and international observers and by the political parties involved. He appointed Mr. Brigi Rafini as Prime Minister, who delivered his general policy statement before the National Assembly on 16 June 2011.

23. All the institutions provided for in the Constitution of 25 November 2010 and other domestic laws have been created, including the National Human Rights Commission, which is in keeping with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles).

24. Under the Constitution, the government is currently structured as follows:

### 1. Executive power

25. The President is responsible for ensuring national independence, national unity, territorial integrity and respect for the Constitution and national treaties and agreements. He also ensures the proper functioning of the government and continuity of the State.

26. The Government is led by a Prime Minister, the Head of Government, who is responsible for coordinating government action.

### 2. Legislative power

27. Legislative power is vested in a unicameral National Assembly, whose members have the title of national deputy. The National Assembly passes laws, grants consent for the levying or collection of taxes and oversees the work of the Government.

### 3. Judicial power

28. In the Niger, the judicial branch is independent from the legislative and executive branches. Judicial power is vested in the Constitutional Court, the Court of Cassation, the Council of State, the Court of Auditors and the other courts and tribunals. The following are some examples of the judicial constitutional entities in the Niger:

- Constitutional Court, which has jurisdiction over constitutional and electoral matters and rules on the constitutionality of laws and orders and on the conformity of international treaties and agreements with the Constitution; it is also competent to rule on any question regarding the interpretation and application of the Constitution
- Court of Cassation, which is the highest court responsible for judicial matters
- Council of State, which is the highest court responsible for administrative matters; it is competent to adjudicate on abuses of power by the administrative authorities at sole instance and on applications for interpretation and assessment of the legality of administrative acts
- Court of Auditors, which is the highest court responsible for the supervision of public finances; it has jurisdictional, supervisory and consultative competence; it adjudicates on the accounts of the State, local authorities, public establishments and companies, independent administrative authorities and all other entities that receive financial support from the State or these local authorities and public entities
- High Court of Justice, which reports to the National Assembly and has jurisdiction to try members of Government for crimes or lesser offences (*délits*) committed while in office or at the time of the army's entry on the political scene in 1996 in connection with the performance of their duties; it also has jurisdiction to try the President for high treason committed in the performance of his or her duties

29. The judicial system draws on two sources: positive law and custom. In areas of relevance to personal status, namely marriage, divorce and inheritance, customs are widely applied by the courts. However, article 99 of the Constitution provides that the law is to establish the rules concerning the procedure under which customs are recorded and brought into line with the fundamental principles of the Constitution.

### 4. Other institutions and organizations

30. The main other institutions and organizations include the following:

- National Human Rights Commission, established by Act No. 2012-44 of 24 August 2012, an independent administrative authority responsible for ensuring the promotion and effectiveness of rights and freedoms provided for in the Constitution
- High Council for Communications, established by Act No. 2012-34 of 7 June 2012 on the composition, duties, organization and functioning of the Council, an independent administrative authority responsible for protecting and guaranteeing the freedom and independence of the audiovisual media and the written and electronic press in accordance with the law
- Office of the Ombudsman, established in August 2011, an independent authority responsible for hearing, under the conditions set out by the relevant law, as amended in 2013, claims concerning the functioning of State agencies, local authorities, public establishments and all other organizations providing public services during their interactions with the public
- Economic, Social and Cultural Council, established by Act No. 2011-40 of 7 December 2011 on the duties, composition, organization and functioning of the Council, which provides assistance to the President and the National Assembly on

economic, social and cultural matters and offers opinions on bills and draft proposals related to economic, social and cultural matters, with the exception of finance laws

- National Commission to Coordinate the Fight against Trafficking in Persons, established by Decree No. 2012-082/PRN/MJ of 21 March 2012, which initiates, designs and develops policies and programmes to combat trafficking in persons
- National Agency for Combating Trafficking in Persons, established by Decree No. 2012-083/PRN/MJ of 21 March 2012, responsible for the enforcement and implementation of the national policies and strategies adopted by the Commission and the associated action plan
- National Agency for Legal and Judicial Assistance, established by Act No. 2011-42 of 14 December 2011 setting out the rules applicable to legal and judicial assistance and establishing an administrative public establishment, the National Agency for Legal and Judicial Assistance, which provides legal and judicial assistance to certain groups of vulnerable persons and to persons without the means to cover their legal fees
- High Authority for Peace Consolidation, established by Decree No. 2014-117/PRN of 17 February 2014 on the duties, organization and functioning of the High Authority for Peace Consolidation, which is responsible for "cultivating a spirit of peace and dialogue between the country's various communities and maintaining a spirit of mutual trust, tolerance and respect, out of a shared desire to live together"
- Office of the High Commissioner for the "3N" Initiative (Les Nigériens nourrissent les Nigériens (People of the Niger feed people of the Niger)), established by Decree No. 2011-407/PRN of 6 September 2011, responsible for helping the Niger make a qualitative leap in the level of investment put into rural development and in the related sectors of agribusiness and trade in local agro-sylvo-pastoral products
- High Authority to Combat Corruption and Related Offences, established by Decree No. 2011-215/PRN/MJ of 26 July 2011, which is responsible for the following tasks: monitoring and evaluating the government anti-corruption programme; registering, centralizing and acting on any complaints filed with it regarding any practice, deed or act of corruption or related offences; conducting any studies or investigations, and proposing any legal, administrative or practical measures, to help prevent and curb corruption; identifying the causes of corruption and proposing measures to the competent authorities with a view to eliminating corruption in all public and semi-public institutions; and accomplishing any other task conferred upon it by the President
- Traditional authority, governed by Order No. 93-28 of 30 March 1993 establishing regulations for the traditional chieftaincy system, as amended by Act No. 2008-22 of 23 June 2008, article 15 of which provides that the traditional chief is to be vested with the power to promote the conciliation of parties in customary, civil and commercial disputes and to regulate, according to custom, the use by families or individuals of agricultural and pastoral lands over which the community under the chief's jurisdiction holds recognized customary rights. In all cases, the chief is to write a report on whether or not conciliation proceedings have resulted in a settlement, which is to be recorded in an ad hoc register, with a summary sent to the competent administrative authority and court. An enforcement clause may be appended to the record of conciliation proceedings signed by the parties by the competent court at the request of either party.

### 5. Suffrage

31. Suffrage is universal, free, equal and secret. In accordance with the Constitution, citizens of the Niger of both sexes are eligible to vote if they are 18 years of age by the date of an election or if they are emancipated minors in possession of their civil and political rights. Citizens of both sexes who are nationals of origin of the Niger, at least 35 years of age by the deadline for submission of candidatures and in possession of their civil and political rights are eligible to stand for the presidency. Citizens of the Niger of both sexes

are eligible to run for election to the National Assembly if they are 21 years of age or older and in possession of their civil and political rights.

### 6. Freedom of association

32. Within the framework of freedom of association recognized and guaranteed by the Constitution, political parties and coalitions, trade unions, non-governmental organizations and other associations and groups of associations may be set up and may conduct their activities freely, in accordance with existing laws and regulations. Order No. 84-06 of 1 March 1984 on associations provides that associations must be declared and authorized before they begin their activities.

## II. General framework for the protection and promotion of human rights

### A. Acceptance of international human rights norms

33. In the context of the protection and promotion of universal human rights values, the Niger is a party to the following international and regional legal instruments:

### 1. International level

- International Convention on the Elimination of All Forms of Racial Discrimination, adopted on 21 December 1965, which the Niger ratified on 27 April 1967; the combined fifteenth to twenty-first periodic reports were submitted to the Committee on the Elimination of Racial Discrimination in August 2015, thus clearing a 17-year backlog of overdue reports
- International Covenant on Civil and Political Rights, adopted on 16 December 1966, to which the Niger acceded on 7 March 1986; the initial report was considered by the Human Rights Committee in March 1993, and the combined periodic reports were submitted in January 2016
- International Covenant on Economic, Social and Cultural Rights, adopted on 16 December 1966, to which the Niger acceded on 7 March 1986; the common core document was validated on 30 and 31 December 2015
- Convention on the Elimination of All Forms of Discrimination against Women, adopted on 18 December 1979, to which the Niger acceded on 8 October 1999; the combined initial and second periodic reports were considered in 2007, and the combined third and fourth periodic reports were submitted to the Committee on the Elimination of Discrimination against Women in August 2015
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted on 20 December 1984, which the Niger ratified on 5 October 1986
- Convention on the Rights of the Child, adopted in November 1989, which the Niger ratified on 30 September 1990; the second periodic report was considered on 4 June 2009, and the combined periodic reports covering the period from 2009 to 2012 have been submitted to the Committee on the Rights of the Child
- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, which was ratified by the Niger on 27 January 2009
- Convention on the Rights of Persons with Disabilities and its Optional Protocol, which the Niger ratified on 24 June 2008; the initial report was submitted to the Committee on the Rights of Persons with Disabilities in August 2015
- Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, adopted in June 2000, which the Niger ratified on 13 March 2012

- Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, which the Niger ratified on 26 October 2004; the initial report has been submitted to the Committee on the Rights of the Child
- Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, adopted in November 2000, which the Niger ratified on 30 September 2004
- Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages, to which the Niger acceded on 1 December 1964
- International Labour Organization (ILO) Worst Forms of Child Labour Convention, 1999 (No. 182), which the Niger ratified on 4 August 2000
- Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, adopted in December 1949, which the Niger ratified on 10 June 1977
- Convention for the Suppression of the Traffic in Women of Full Age, adopted in October 1933, which the Niger accepted on 25 August 1961
- ILO Equal Remuneration Convention, 1951 (No. 100), which the Niger ratified in 1966
- Slavery Convention, adopted in Geneva in September 1926, to which the Niger acceded on 25 August 1961
- Protocol amending the Slavery Convention, adopted in October 1953, which the Niger accepted on 7 December 1964
- Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, adopted in April 1956, which the Niger ratified on 22 July 1963
- Geneva Conventions of 1949, to which the Niger acceded on 16 August 1964
- Convention on the Political Rights of Women, adopted in March 1953, to which the Niger acceded on 7 December 1964
- ILO Forced Labour Convention, 1930 (No. 29), adopted on 28 June 1930, which the Niger ratified on 23 March 1962
- International Convention against the Taking of Hostages, adopted in December 1979, which the Niger ratified on 17 December 2003
- Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, which the Niger ratified on 18 March 2009
- Declaration on the Human Rights of Individuals Who are not Nationals of the Country in which They Live, adopted in December 1985, which the Niger ratified on 27 January 2009
- Convention against Discrimination in Education, adopted on 14 December 1960, to which the Niger acceded on 16 July 1968
- International Convention against Apartheid in Sports, adopted in December 1985, which the Niger ratified on 2 September 1986
- International Convention on the Suppression and Punishment of the Crime of Apartheid, adopted in November 1973, which the Niger ratified on 28 June 1978
- ILO Right to Organize and Collective Bargaining Convention, 1949 (No. 98), adopted in 1949, which the Niger ratified on 23 March 1962
- ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111), adopted in 1958, which the Niger ratified on 23 March 1962

- ILO Minimum Age Convention, 1973 (No. 138), adopted in 1973, which the Niger ratified on 4 December 1978
- Individual complaints procedure under the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
- Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which the Niger ratified on 7 November 2014
- International Convention for the Protection of All Persons from Enforced Disappearance, which the Niger ratified on 24 July 2015

34. The Niger is not yet a party to a number of international instruments, including:

- Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty; a bill authorizing the ratification of the Protocol has been submitted to the National Assembly for consideration
- Inquiry procedure under the Convention for the Protection of All Persons from Enforced Disappearance
- Optional Protocol to the International Covenant on Economic, Social and Cultural Rights; the ratification process is under way

35. Moreover, the Niger entered reservations upon ratifying the Convention on the Elimination of All Forms of Discrimination against Women. These reservations relate to articles 2 (d) and (f), 5 (a), 15 (4) and 16 (1) (c), (e) and (g). It should be noted that the Niger is heavily influenced by Islam, and social and cultural inertia has set in; considerable efforts are thus required to change the way people think. To that end, awareness-raising campaigns are conducted on a regular basis with the aim of changing entrenched attitudes and thus making it possible for the Niger to withdraw these reservations.

### 2. Regional level

- African Charter on Human and People's Rights, adopted on 27 June 1981, which the Niger ratified on 21 July 1986; in April 2015, the country submitted its combined periodic report covering the period from 2003 to 2014
- African Charter on the Rights and Welfare of the Child, adopted in July 1990, which the Niger ratified on 11 December 1999; the country's initial report was considered by the African Committee of Experts on the Rights and Welfare of the Child in November 2011
- Organization of African Unity (OAU) Convention Governing the Specific Aspects of Refugee Problems in Africa, adopted in September 1969, which the Niger ratified on 21 September 1971
- OAU Convention for the Elimination of Mercenaries in Africa, adopted in 1977, which the Niger ratified on 19 June 1980
- African Charter on Democracy, Elections and Governance, signed on 17 June 2008
- African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention), signed on 23 October 2009 and ratified on 10 May 2012.
- Protocol on Free Movement of Persons, the Right of Residence and Establishment of the Economic Community of West African States (ECOWAS), adopted in May 1979, which the Niger ratified on 29 November 1979

36. The Niger is not a party to the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol) owing to continued social and cultural constraints.

37. In addition to signing these regional and international legal instruments, the Niger has taken legislative and regulatory measures to ensure compliance with the regional and international commitments entered into for the protection and promotion of the human rights of all citizens of the Niger and foreign nationals living in the country.

## B. Legal framework for the protection of human rights at the national level

38. In its preamble, the Constitution reaffirms the country's commitment "to the principles of pluralist democracy and human rights as defined by the Universal Declaration of Human Rights of 1948, the International Covenant on Civil and Political Rights of 1966, the International Covenant on Economic, Social and Cultural Rights of 1966 and the African Charter on Human and Peoples' Rights of 1981".

39. In accordance with article 171 of the Constitution, "duly ratified treaties and agreements take precedence over domestic law as soon as they are published, providing that the agreement or treaty concerned is implemented by the other party".

40. The State ensures the incorporation of international human rights instruments into domestic law either by adopting new legislation or by bringing existing legislation into line with them.

41. At the institutional level, the Niger has set up a number of bodies to promote and protect human rights.

### 1. Judicial mechanisms

42. In the Niger, justice is rendered by 30 district courts, 10 regional courts, 2 courts of appeal, the State Council, the Court of Cassation, the Court of Auditors and the Constitutional Court. Citizens who are victims of human rights violations may bring cases before the courts and have recourse to legal remedies.

43. Special courts exist alongside these ordinary courts. There are 10 labour-relations courts, 10 juvenile courts, 10 commercial courts, 10 rural landownership tribunals and 10 administrative tribunals, all of which are attached to district or regional courts. In 2014, there were 382 judges presiding over these courts.

Table 4
**Trends in the number of serving judges, disaggregated by sex**

| | | | | | |
|---|---|---|---|---|---|
| Men | 286 | 294 | 308 | 329 | 347 |
| Women | 28 | 34 | 29 | 33 | 35 |
| **Total** | **314** | **328** | **337** | **362** | **382** |

*Source*: Permanent Secretariat of the Supreme Council of Justice.

44. In 2015, to guarantee the right to a defence, there were 116 lawyers on the roster of legal practitioners, 15 interns and 6 professional civil law companies. The State has instituted a system of court-appointed lawyers (volunteers appointed by a decree issued by the Minister of Justice) to ensure the defence of persons unable to afford a lawyer. In 2010, there were 225 court-appointed defence lawyers.

45. At the internal level, the following extrajudicial bodies are responsible for the promotion and protection of human rights:

- Directorate of Human Rights and Welfare, which, pursuant to Order No. 017MJ/GS/PPG/SG of 1 March 2012 on the organization of the central administration services of the Ministry of Justice, became the Directorate General for Human Rights, Judicial Protection of Juveniles and Welfare, with an enlarged mandate encompassing several areas, namely human rights, the judicial protection of juveniles and welfare. The Directorate General now has a mandate in these three domains to ensure the monitoring and implementation of human rights and juvenile justice policies, to coordinate the drafting of reports intended for the treaty bodies, to guarantee effective compliance with international, regional and national human rights instruments and to provide legal and judicial assistance. It also works to

prevent human rights violations through information campaigns, education, awareness-raising campaigns, investigations, the definition of legal frameworks and coordination between public stakeholders and civil society.

- Prison and Rehabilitation Service, which, pursuant to the aforementioned Order, became the Directorate General for Prison Administration and Security and Rehabilitation. It has three departments under its authority, which are responsible for monitoring the human rights situation in prisons, drafting and enforcing prison regulations, devising strategies and programmes for risk prevention in prisons and developing and rolling out rehabilitation programmes, including occupational training policies and access to employment for inmates. It also provides training for prison staff and manages prisons, ensuring proper nourishment and health care for inmates as well as other rights recognized under the decree laying down regulations for prisons.

- Directorate General for the Protection of Children, Welfare and Humanitarian Action, whose objective is to design and implement policies, strategies, plans and programmes in the areas of child protection, social welfare and humanitarian action. It also monitors compliance with the Convention on the Rights of the Child, the Convention on the Rights of Persons with Disabilities and the African Charter on the Rights and Welfare of the Child.

- Directorate for the Advancement of Women, a service of the Ministry of the Population, the Advancement of Women and the Protection of Children, which has become the Directorate General for the Advancement of Women and Gender Equality. It includes three departments, namely the Department for Women's Leadership, the Department for Women's Empowerment and the Department for Institution-Building and Gender Affairs. The Directorate General is responsible for implementing national policy for the advancement of women and gender equality and for the integration of the gender perspective into development plans and programmes. It also monitors compliance with the Convention on the Elimination of All Forms of Discrimination against Women.

- Central service of the police responsible for the protection of women and minors established pursuant to Order No. 0045MI/S/D/AR/DGPN of 28 January 2011. The service is composed of a secretariat, divisions for the protection of minors and the protection of women, documentation and investigation divisions and special units responsible for the protection of minors and women at the regional, departmental and communal level and at special police stations and border control checkpoints. The service receives and processes complaints by minors who are victims of crimes or concerning minors who have committed criminal offences. A minors protection squad works to detect and diagnose initial signs of delinquency among street children or children with broken family ties, to identify and combat all forms of domestic and non-domestic violence and abuse committed against children, including sexual exploitation, rape, paedophilia, child pornography and the abduction or recruitment of children, and any other criminal act committed by or against a minor and to monitor the placement in public or private child welfare institutions of juveniles at risk.

- Civil protection services, which are regulated by Order No. 086/MI/SP/D/AR of 14 February 2012 on the organization of the central services of the Ministry of the Interior. The services ensure the protection of persons, property and the environment in the event of artificial or natural disasters and in circumstances involving civil defence. It analyses and devises national civil security measures and organizes and coordinates emergency measures, and it carries out humanitarian measures for the protection of the population during a crisis or in wartime.

- National Guard, which ensures the protection of public buildings, the preservation and restoration of public order, national defence, the protection of persons and their property and the administration, management and supervision of prisons. Following internal reforms, it is now empowered to receive complaints of victims of human rights violations in the most remote areas of the country.

- Educational, Preventive and Judicial Service, established by Order No. 08 of 30 April 2007, which reports to the Ministry of the Population, the Advancement of Women and the Protection of Children. Present in a number of towns around the country, it provides aid and advice to juveniles in conflict with the law or at risk. Its role is essentially preventive and educational and includes the provision of timely assistance for children at risk, educational support, social rehabilitation of juveniles and social surveys.
- Social services attached to the courts, which conduct background checks at the request of judges in the course of judicial proceedings.
- Community social services, which conduct background checks in child custody cases and advocate the inclusive development of persons with disabilities at the local level.

46. The provisions of human rights instruments may be invoked before the courts or administrative authorities. In the Niger, abundant case law exists on this subject, especially concerning the principle of the best interests of the child, which may be invoked before the judicial and administrative authorities.

### 2. Access to justice

47. Access to justice is free and without charge. The Universal Declaration of Human Rights has been incorporated into the domestic legal system and may be invoked before the domestic courts, as is regularly done with the provisions of the Convention on the Rights of the Child concerning the best interests of the child, particularly in cases involving adoption and custody.

48. The National Agency for Legal and Judicial Assistance was established by Act No. 2011-042 of 14 December 2011, which lays down the regulations governing legal and judicial assistance. The Agency is responsible for administering the legal and judicial assistance system, making this assistance available to certain categories of vulnerable persons and to those who are unable to meet the costs associated with a trial. It also contributes to the development and implementation of national policies on legal and judicial assistance and coordinates all related activities. It is also responsible for maintaining dialogue between the different actors and mobilizing financial, material and human resources.

49. Although this principle is recognized, a number of difficulties persist on account of the remoteness of the judicial system from the public and the sheer size and isolation of certain rural areas, which are particularly difficult to access during the rainy season. Further difficulties include delays in legal proceedings, legal language that is technical in nature and hard to understand and the high illiteracy rate of the people of the Niger.

### 3. Regional bodies recognized by the Niger

50. The Niger recognizes the competence of the Court of Justice of ECOWAS. By way of example, on 14 September 2007, Hadijatou Mani Koraou, a citizen of the Niger, petitioned the Court to find that the Niger had violated her rights (slavery). The Court allowed the young woman's application and ruled that Niger must pay her 10 million CFA francs in compensation. The Niger complied with the ruling. It should be noted that citizens of the Niger often petition this Court.

## C. Framework within which human rights are promoted at the national level

### 1. National and regional parliaments and assemblies

51. Parliamentarians are empowered to promote human rights by facilitating the ratification of international treaties and by monitoring government policy through formal and oral questions on alleged human rights violations. They undertake parliamentary inquiries to verify violations brought to their attention and mediation initiatives.

52. Information, education and awareness-raising days are organized for parliamentarians with a view to strengthening their capacities. With that in mind, the Ministry of Justice, in collaboration with its technical and financial partners, intends to organize, as part of its workplan, an education and awareness-raising day for parliamentarians on the topic of human rights standards.

53. Following the coup d'état of February 2010, the National Commission for Human Rights and Fundamental Freedoms was dissolved and was later replaced by the National Observatory for Human Rights and Fundamental Freedoms, the administrative body responsible for ensuring the protection and effective realization of rights and freedoms. Established on 30 March 2010 pursuant to Order No. 2010-27 of 20 May 2010 as amended by Order No. 2010-45 of 20 July 2010, it began its work in September 2010. It is made up of 12 members, including 10 from civil society (the Bar Association, the Confederation of Women's Associations for the Promotion and Protection of Human Rights, the press, the faculty of economic science and law, the Medical Association, trade unions, the Federation of Organizations and Associations for the Protection of Human Rights and the Promotion of Democracy, and the Association of Traditional Leaders).

54. In 2012, the National Observatory for Human Rights and Fundamental Freedoms was replaced by the National Human Rights Commission, which is provided for under article 44 of the Constitution. The Commission, an independent administrative authority established in accordance with the Paris Principles, is responsible for promoting and enforcing rights and freedoms. The law requires the Commission to submit an annual report on human rights to the National Assembly.

### 2. Dissemination of human rights instruments

55. The following awareness-raising and educational activities have been carried out in recent years:

- Training for senior personnel in all ministries on a human rights-based approach and on the treaty bodies
- Human rights training for defence and security forces
- Activities conducted within the framework of the "16 Days of Activism against Gender-Based Violence" campaign (25 November-10 December), bringing together representatives of the State, civil society and technical and financial partners
- "Justice caravan", composed of public relations officers and legal experts who participate in awareness-raising activities on the rights of women and children (open days in courts, debates and films)
- Activities to disseminate the Universal Declaration of Human Rights on the occasion of Human Rights Day
- Distribution of 6,000 copies of the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities to schools

### 3. Role of civil society, including non-governmental organizations

56. Civil society plays a leading role in the promotion and protection of human rights in the Niger. With that in mind, the Government has taken a number of measures to facilitate not only the establishment of associations, NGOs and unions, but also their work. Article 8 of Order No. 84-06 of 1 March 1984 on associations provides that associations of natural persons are to be formed freely by common consent, provided that notification is given and authorization obtained, and have legal capacity. In 2015, there were 2,202 associations, 1,557 NGOs, 13 trade unions and an organization of non-affiliated unions embracing more than 250 unions.

57. In order to improve participation in political and public life, the Niger has established several mechanisms for social dialogue and consultation, in particular the National Council for Political Dialogue and the National Commission for Social Dialogue, and has promoted the involvement of members of civil society in national institutions. In 2014, there were 79 political parties in the Niger.

### 4. Development cooperation and assistance

58. The Niger receives support from the technical and financial partners present in the country, including United Nations programmes, funds and specialized agencies such as the United Nations Development Programme (UNDP), the United Nations Children's Fund (UNICEF), the World Health Organization, the Office of the United Nations High Commissioner for Refugees, the United Nations Population Fund (UNFPA) and others, which are involved in all areas, including health care, education, the environment and human rights training.

59. Since 2008, the Office of the United Nations High Commissioner for Human Rights, in collaboration with the United Nations Country Team in Niger, has been supporting the implementation of the "Action 2" programme in partnership with the Ministry of Justice, UNDP, UNICEF, UNFPA, UN-Women and the World Food Programme.

60. As part of its efforts to advance women, the Niger organizes a biennial crafts exhibition with the aim of empowering women from the Niger.

61. In order to promote children's right to leisure, the Niger organizes an annual artistic and cultural integration festival known as Sukabé (child), bringing together the children of the subregion.

## D. Reporting process at the national level

62. As part of the preparation and submission of reports to the treaty bodies, in 2010, the Niger established an Interministerial Committee to draft its country reports for those bodies and for the universal periodic review.

63. The objectives of the Committee are set out in article 3 of Order No. 0013/MJ/DH/DDH/AS of 17 March 2010. Composed of 25 members, the Committee officially began its work on 12 May 2010 with an opening ceremony held by the Ministry of Justice in conjunction with the United Nations country team in the Niger. The process of replacing the order with a decree, which is intended to provide the Committee with a permanent secretariat and the resources necessary for it to operate, is under way.

64. As to its cooperation with the treaty bodies, the Niger is continuing its efforts to make up for the delay in the submission of its reports. In April 2015, the Niger submitted its combined periodic reports covering the period from 2003 to 2014 on its efforts to implement the African Charter on Human and People's Rights to the African Commission on Human and Peoples' Rights.

65. In August 2015, the Niger submitted its report on the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination to the Committee on the Elimination of Racial Discrimination in Geneva. The Niger has also submitted to the relevant United Nations treaty bodies its reports on the implementation of the Convention on the Rights of Persons with Disabilities, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. Lastly, in 2016, the Niger submitted its report on the implementation of the International Covenant on Civil and Political Rights, in addition to its updated common core document.

66. The Committee took a participatory approach to preparing all the above-mentioned reports, which consisted in involving the different stakeholders in drafting and endorsing them at a national workshop.

# III. Information on non-discrimination and equality and effective remedies

## A. Non-discrimination and equality

67. As a State party to almost all international and regional human rights instruments, the Niger reaffirmed its commitment to the principle of the rule of law in its Constitution of 25 November 2010. Article 8 provides that the Republic of the Niger is a State of law, that it ensures equality for all before the law, regardless of sex or social, racial, ethnic or religious origin, that it respects and protects all beliefs and that no religion or belief may claim political power or interfere in the affairs of State.

68. Article 117 specifies that justice is to be rendered in the Niger on behalf of the people and in strict compliance with the rule of law and the rights and freedoms of every citizen. The decisions of the courts are binding on all, public authorities and citizens alike, and may be challenged only in accordance with the procedures and in the manner prescribed by law. Article 118 stipulates that, in the exercise of their functions, judges are independent and are subject only to the authority of the law.

69. Thus, anyone who considers that their rights have been violated may apply to the courts to obtain reparation. If the application is turned down, legal remedies are available in accordance with the law. The judicial and institutional structures put into place for that purpose offer a better framework for ensuring equality. They include:

- The police and the gendarmerie, which carry out preliminary inquiries
- The courts; the law provides for and guarantees the principles of a fair trial, including the rights of the defence, legality of criminal offences and penalties and the presumption of innocence, and legal remedies may be pursued if necessary.

70. Like the National Human Rights Commission, the Directorate General for Human Rights, Judicial Protection of Juveniles and Welfare, the Directorate General for the Protection of Children, Welfare and Humanitarian Action and the General Directorate for the Advancement of Women and Gender Equality are empowered to promote and eliminate all forms of discrimination, in particular with regard to vulnerable groups.

71. The Criminal Code contains provisions concerning discrimination, including the following:

- Article 102, which states that any act of racial or ethnic discrimination and any regionalist propaganda or manifestation contrary to freedom of conscience or freedom of worship that is likely to set persons against each other is punishable by 5 years' imprisonment and a restricted residence order. Where the purpose of the act of racial or ethnic discrimination or regionalist propaganda or the manifestation contrary to freedom of conscience or freedom of worship is the commission of a crime or offence against State security or the territorial integrity of the Niger, the perpetrator or instigator of the act is to be prosecuted as an accomplice or an accessory, depending on the case;
- Article 208.3, which states that the grave breaches listed below involving acts or omissions that cause harm to persons or property protected under the Conventions signed in Geneva on 12 August 1949 and under Additional Protocols I and II to those Conventions, adopted in Geneva on 8 June 1977, constitute war crimes punishable in accordance with the provisions of this chapter, including… practices of apartheid and other inhuman and degrading practices involving outrages upon personal dignity, based on racial discrimination.

72. To reduce economic, social and geographic disparities between rural and urban areas, the Niger has opted for decentralization as a means of organizing and governing the country.

## B. Vulnerable groups

73. The vulnerable groups to which the authorities attach particular attention include children, women, persons with disabilities and older persons.

### 1. Children

74. Article 21, paragraph 2, of the Constitution of 25 November 2010 stipulates that the State and the public authorities have a duty to ensure the physical, mental and moral health of the family, in particular mothers and children. Pursuant to article 22, paragraph 2, the State must take measures to combat violence against women and children in public and private life.

75. Article 24 provides that the State and the public authorities must protect the country's youth against exploitation and abandonment. The State ensures the material and intellectual development of young persons and promotes their training, employment and integration into the world of work.

76. The Niger has adopted various policies and programmes in the field of child protection, including the policy document on integrated early child development, the framework document on child protection and a community-based child protection pilot programme. Notwithstanding this favourable framework for the protection of children, a number of factors continue to be detrimental to the enjoyment of their rights.

77. In 2012, the proportion of children under 5 years of age whose births had been registered was 64 per cent (60 per cent in rural areas and 92 per cent in urban areas).

78. Child labour is a reality in the Niger. In 2012, the proportion of children aged 5 to 14 who worked stood at 48 per cent, as against 70 per cent in 2000. There is a significant disparity between rural areas (51 per cent of child workers) and urban areas (30 per cent). Many children are engaged in hazardous work, for example those who work at the gold washing sites in Komabangou and M'banga.

79. In order to address this situation, the Government created a unit to combat child labour and established a list of hazardous work that may not be done by children. An International Programme on the Elimination of Child Labour (IPEC) project to prevent and eliminate child labour in informal gold mines in West Africa had also been implemented. Moreover, child labour was prohibited under article 107 of the 2012 Labour Code.

80. In 2006 the regional directorates of the Ministry for the Advancement of Women and the Protection of Children estimated the number of street children to be 11,042. According to the demographic and health survey and multiple indicator cluster survey (EDSN-MICS), in 2006, 31 per cent of children were separated from at least one of their biological parents, as compared to 17.4 per cent in 2000. Children in State care are entrusted to the Care Centre for Children with Family Difficulties, in Niamey. In 2008, the Centre admitted 38 children, as against 17 in 2000.

81. With respect to children in conflict with the law, in 2012, the number of minors detained in the country's 38 prisons stood at 237, of whom 90 per cent were boys.

82. Women and girls in the Niger enter into marriage at a very early age. According to the results of the demographic and health survey and multiple indicator cluster survey, the median age at first marriage is 15.5 years for women and girls and 23.1 years for men and boys. Almost a quarter (24 per cent) of all girls in the age group 15-19 get married before they reach the age of 15 and over three quarters of women (77 per cent) before the age of 18. Progress in this area remains relatively slow, with a slight decrease in the percentage of adolescents married before the age of 15 — by 4 per cent between 2006 and 2012 — with the percentage of women married before the age of 18 remaining steady, at approximately 77 per cent.

83. In 2012, the national prevalence rate of female genital mutilation/excision was 2 per cent, i.e. less than half the 1998 figure of 5.6 per cent.

### 2. Women

84. The promotion and protection of women's rights are matters of constant concern for the public authorities. The revision of the Criminal Code in 2003 took certain kinds of violence against women into account. Sexual harassment, female genital mutilation, slavery, procuring, incitement to immorality and rape are severely punished by the law.

85. The Government's commitment to eliminating discrimination on the basis of sex is reflected in the adoption of the National Policy for the Advancement of Women in 1996 and a National Gender Policy and action plan for the period 2009-2018. The vision of the National Gender Policy is to involve all stakeholders in the building, by 2018, of a society without discrimination where men and women and boys and girls have equal opportunities to participate in its development and enjoy the benefits of its growth.

86. The major pieces of legislation on the promotion of women's rights include:

- Act No. 2000-008 of 7 June 2000, introducing a quota system for either sex in elective offices (10 per cent), and posts in the State administration and government (25 per cent), as amended by Act No. 2014-64 of 5 November 2014, which raised the quota for elective offices from 10 to 15 per cent
- Act No. 2014-60 of 5 November 2014, amending Order No. 84-33 of 23 August 1984 on the Nationality Code, which recognizes the right of women of the Niger to transmit their nationality to their foreign spouses

87. A code on personal status has also been introduced. Its adoption continues to be the subject of debate.

88. Furthermore, the Niger has taken a number of measures to advance gender mainstreaming. This mainly concerns the establishment of gender units within various sectoral ministries through a process that began in 2007.

89. Despite these measures, violence against women and abuses related to repudiation and forced marriage persist. Moreover, depending on custom, women from some ethnic groups are deprived of access to the land when inheritances are divided.

### 3. Persons with disabilities

90. As a party to the Convention on the Rights of Persons with Disabilities, the Niger guarantees the rights of persons with disabilities in accordance with articles 22 and 26 of the Constitution, as follows:

- Article 22 provides that the State must ensure the elimination of all forms of discrimination against women, girls and persons with disabilities. Public policies in all areas must guarantee their full development and their participation in national development;
- Article 26 provides that the State must ensure equality of opportunity for persons with disabilities with a view to their advancement or social integration.

91. Order No. 93-012 determines the minimum rules for the social protection of persons with disabilities. Pursuant to that Order, two decrees were issued in 2010, one of which established the National Committee for the Advancement of Persons with Disabilities. Article 9 of Decree No. 96/456/PRN/MSP provides for 100 per cent coverage of consultation and hospitalization costs for persons with disabilities in national hospitals. Under article 21 of the Order, all public or private establishments with at least 20 employees are required to reserve 5 per cent of jobs for persons with disabilities. The implementation of this article enabled 300 graduates with disabilities to be recruited between 2007 and 2014.

92. In 2011, the Niger adopted a national social protection policy, whose fourth area of priority concerns targeted actions for vulnerable groups, including persons with disabilities and older persons.

93. According to the WHO World Report on Disability of June 2011, persons with disabilities constitute 15 per cent of the general population, and a significant proportion

(33.5 per cent) of children have more than one disability. According to the results of the General Population and Housing Census, the number of persons with disabilities is approximately 715,476, or 4.2 per cent of the population, of whom 341,723 persons have more than one disability.

94. The main form of ill-treatment experienced by persons with disabilities is their stigmatization by society.

### 4. Older persons

95. Particular attention is given to older persons in the Niger. Article 25 of the Constitution stipulates that the State must ensure that older persons are covered by a social protection policy. The law establishes the conditions and procedures for such protection. Moreover, the Government has established a department for older persons at the Ministry of Population, the Advancement of Women and the Protection of Children, which is responsible for developing and implementing laws and regulations on the rights of older persons. In that regard, and in accordance with the above-mentioned provisions of article 25 of the Constitution, a bill on the protection of older persons is being drafted.

96. Already, 90 per cent of medical care is covered for retired State employees, as compared to 80 per cent for active ones.

97. Moreover, councils for older persons were established in 2015. Consideration is being given to strengthening the programme of free medical care for older and low-income persons through the Social Fund provided for the health sector. Measures to implement a non-contributory social pension (old-age pension) are also under consideration.